IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 56 of 2007
Date of decision : 11.1.2007.

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Parties Name

Brahm Dutt and others

..... Petitioners

vs.

Shanti Devi and another

.....Respondents

Coram: Hon'ble Mr. Justice S.N. Aggarwal

Present: Sh. Lokesh Sinhal, Advocate
for the petitioners.

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S.N. Aggarwal, J.

The petitioners are the defendants in the learned trial Court. The respondents had filed a civil suit for declaration and possession by challenging the judgment and decree dated 9.10.1993 passed in civil suit No. 708 of 1993. The said civil suit was decreed on the basis of the consent statement made by Devi Sahai. The respondents, in the said civil suit challenged the thumb impression of Devi Sahai on the said admission statement. They examined the document expert to compare the purported thumb impression of Devi Sahai on the admission statement with his statement made in the other civil suit

decided on 7.9.1990.

The petitioners who were defending the said judgment and decree dated 9.10.1993 also got compared thumb impression of Devi Sahai on the admission statement with the thumb impression of Devi Sahai on the sale deed dated 30.5.1988 and examined the document expert in support thereof.

The respondents filed an application for permission to examine the document expert with regard to the thumb impression of Devi Sahai on the sale deed dated 30.5.1988, which was dismissed by the learned trial Court. The respondents had filed a revision petition, which was accepted by this Court vide order dated 25.4.2006 and the respondents were permitted to examine the document expert to compare the purported thumb impression of Devi Sahai on the admission statement with his thumb impression on the sale deed dated 30.5.1988. Thereafter the petitioners being the defendants, filed another application to examine the document expert. It has been dismissed by the learned trial Court vide impugned order dated 30.11.2006.

Hence, the present revision petition.

The submission of the learned counsel for the petitioners was that since the respondents have examined the second document expert, they should also be permitted to rebut that evidence.

This submission has no force at all. The respondents were permitted to examine the document expert by specific orders of this Court. The petitioners did not seek any such liberty from this Court in the said order. Moreover, the respondents have led the rebuttal

evidence and the petitioners being the defendants cannot be permitted to lead the rebuttal evidence to rebuttal evidence. Therefore, the learned trial Court has rightly dismissed the application vide impugned order dated 30.11.2006.

There is no merit in the present petition and the same is dismissed.

(S.N.Aggarwal)
Judge

11.1.2007.
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